

LEGISLATURE OF NEBRASKA
NINETY-SEVENTH LEGISLATURE
SECOND SESSION

LEGISLATIVE BILL 1184

Introduced by Wehrbein, 2; Hudkins, 21

Read first time January 18, 2002

Committee: Revenue

A BILL

- 1 FOR AN ACT relating to revenue and taxation; to amend section
- 2 77-3442, Revised Statutes Supplement, 2001; to provide
- 3 that payments for risk management pools are subject to
- 4 levy limitations; and to repeal the original section.
- 5 Be it enacted by the people of the State of Nebraska,

1 Section 1. Section 77-3442, Revised Statutes Supplement,
2 2001, is amended to read:

3 77-3442. (1) Property tax levies for the support of
4 local governments for fiscal years beginning on or after July 1,
5 1998, shall be limited to the amounts set forth in this section
6 except as provided in section 77-3444.

7 (2) (a) Except as provided in subdivision (2) (b) of this
8 section, school districts and multiple-district school systems may
9 levy a maximum levy of (i) one dollar and ten cents per one hundred
10 dollars of taxable valuation of property subject to the levy until
11 fiscal year 2001-02 and (ii) one dollar per one hundred dollars of
12 taxable valuation of property subject to the levy for fiscal year
13 2001-02 and all subsequent fiscal years. Excluded from this
14 limitation are amounts levied to pay for sums agreed to be paid by
15 a school district to certificated employees in exchange for a
16 voluntary termination of employment and amounts levied to pay for
17 special building funds and sinking funds established for projects
18 commenced prior to April 1, 1996, for construction, expansion, or
19 alteration of school district buildings. For purposes of this
20 subsection, commenced means any action taken by the school board on
21 the record which commits the board to expend district funds in
22 planning, constructing, or carrying out the project. The maximum
23 levy shall include amounts levied to support the school district's
24 or multiple-district school system's share of revenue required
25 under a risk management pool.

26 (b) Federal aid school districts may exceed the maximum
27 levy prescribed by subdivision (2) (a) of this section only to the
28 extent necessary to qualify to receive federal aid pursuant to

1 Title VIII of Public Law 103-382, as such title existed on
2 September 1, 2001. For purposes of this subdivision, federal aid
3 school district means any school district which receives ten
4 percent or more of the revenue for its general fund budget from
5 federal government sources pursuant to Title VIII of Public Law
6 103-382, as such title existed on September 1, 2001.

7 (3) Community colleges may levy a maximum levy on each
8 one hundred dollars of taxable property subject to the levy of (a)
9 eight cents for fiscal year 1998-99 and fiscal year 1999-2000 and
10 (b) seven cents for fiscal year 2000-01 and each fiscal year
11 thereafter.

12 (4) Natural resources districts may levy a maximum levy
13 of four and one-half cents per one hundred dollars of taxable
14 valuation of property subject to the levy.

15 (5) Educational service units may levy a maximum levy of
16 one and one-half cents per one hundred dollars of taxable valuation
17 of property subject to the levy.

18 (6) (a) Incorporated cities and villages which are not
19 within the boundaries of a municipal county may levy a maximum levy
20 of forty-five cents per one hundred dollars of taxable valuation of
21 property subject to the levy plus an additional five cents per one
22 hundred dollars of taxable valuation to provide financing for the
23 municipality's share of revenue required under an agreement or
24 agreements executed pursuant to the Interlocal Cooperation Act or
25 the Joint Public Agency Act. The maximum levy shall include
26 amounts levied to support the city's or village's share of revenue
27 required under a risk management pool. The maximum levy shall
28 include amounts levied to pay for sums to support a library

1 pursuant to section 51-201, museum pursuant to section 51-501,
2 visiting community nurse, home health nurse, or home health agency
3 pursuant to section 71-1637, or statue, memorial, or monument
4 pursuant to section 80-202.

5 (b) Incorporated cities and villages which are within the
6 boundaries of a municipal county may levy a maximum levy of ninety
7 cents per one hundred dollars of taxable valuation of property
8 subject to the levy. The maximum levy shall include amounts paid
9 to a municipal county for county services, amounts levied to pay
10 for sums to support a library pursuant to section 51-201, a museum
11 pursuant to section 51-501, a visiting community nurse, home health
12 nurse, or home health agency pursuant to section 71-1637, or a
13 statue, memorial, or monument pursuant to section 80-202.

14 (7) Sanitary and improvement districts which have been in
15 existence for more than five years may levy a maximum levy of forty
16 cents per one hundred dollars of taxable valuation of property
17 subject to the levy, and sanitary and improvement districts which
18 have been in existence for five years or less shall not have a
19 maximum levy. Unconsolidated sanitary and improvement districts
20 which have been in existence for more than five years and are
21 located in a municipal county may levy a maximum of eighty-five
22 cents per hundred dollars of taxable valuation of property subject
23 to the levy.

24 (8) Counties may levy or authorize a maximum levy of
25 fifty cents per one hundred dollars of taxable valuation of
26 property subject to the levy, except that five cents per one
27 hundred dollars of taxable valuation of property subject to the
28 levy may only be levied to provide financing for the county's share

1 of revenue required under an agreement or agreements executed
2 pursuant to the Interlocal Cooperation Act or the Joint Public
3 Agency Act. The maximum levy shall include amounts levied to pay
4 for sums to support a library pursuant to section 51-201 or museum
5 pursuant to section 51-501. The county may allocate up to fifteen
6 cents of its authority to other political subdivisions subject to
7 allocation of property tax authority under subsection (1) of
8 section 77-3443 and not specifically covered in this section to
9 levy taxes as authorized by law which do not collectively exceed
10 fifteen cents per one hundred dollars of taxable valuation on any
11 parcel or item of taxable property. The county may allocate to one
12 or more other political subdivisions subject to allocation of
13 property tax authority by the county under subsection (1) of
14 section 77-3443 some or all of the county's five cents per one
15 hundred dollars of valuation authorized for support of an agreement
16 or agreements to be levied by the political subdivision for the
17 purpose of supporting that political subdivision's share of revenue
18 required under an agreement or agreements executed pursuant to the
19 Interlocal Cooperation Act or the Joint Public Agency Act. If an
20 allocation by a county would cause another county to exceed its
21 levy authority under this section, the second county may exceed the
22 levy authority in order to levy the amount allocated. The maximum
23 levy shall include amounts levied to support the county's share of
24 revenue required under a risk management pool.

25 (9) Municipal counties may levy or authorize a maximum
26 levy of one dollar per one hundred dollars of taxable valuation of
27 property subject to the levy. The municipal county may allocate
28 levy authority to any political subdivision or entity subject to

1 allocation under section 77-3443.

2 (10) Property tax levies for judgments obtained against a
3 political subdivision which require or obligate a political
4 subdivision to pay such judgment, to the extent such judgment is
5 not paid by liability insurance coverage of a political
6 subdivision, for preexisting lease-purchase contracts approved
7 prior to July 1, 1998, for bonded indebtedness approved according
8 to law and secured by a levy on property, and for payments by a
9 public airport to retire interest-free loans from the Department of
10 Aeronautics in lieu of bonded indebtedness at a lower cost to the
11 public airport are not included in the levy limits established by
12 this section.

13 (11) The limitations on tax levies provided in this
14 section are to include all other general or special levies provided
15 by law. Notwithstanding other provisions of law, the only
16 exceptions to the limits in this section are those provided by or
17 authorized by sections 77-3442 to 77-3444.

18 (12) Tax levies in excess of the limitations in this
19 section shall be considered unauthorized levies under section
20 77-1606 unless approved under section 77-3444.

21 (13) For purposes of sections 77-3442 to 77-3444,
22 political subdivision means a political subdivision of this state
23 and a county agricultural society.

24 Sec. 2. Original section 77-3442, Revised Statutes
25 Supplement, 2001, is repealed.